

**OCCUPATIONAL CODE (EXCERPT)**  
**Act 299 of 1980**

ARTICLE 2

**339.201 Department of licensing and regulation; appointment of director; designation of persons to investigate licensees or persons against whom complaints lodged.**

Sec. 201. The department shall consist of a director as its executive head and other officers and employees appointed or employed by the department. The director shall be appointed by the governor, subject to the advice and consent of the senate, and shall hold office at the pleasure of the governor. The department shall designate only those persons who meet the qualifications for licensure established for an occupation regulated under article 7, 20, or 22 to investigate licensees or persons against whom complaints have been lodged.

**History:** 1980, Act 299, Imd. Eff. Oct. 21, 1980.

**Compiler's note:** For transfer of powers and duties of certain occupational functions, boards, and commissions from the Department of Licensing and Regulation to the Department of Commerce, see E.R.O. No. 1991-9, compiled at MCL 338.3501 of the Michigan Compiled Laws.

**Popular name:** Act 299

**339.202 Licensure or registration; application; form; fees; requirements for issuance of license or registration; expiration date.**

Sec. 202. (1) An application for licensure or registration shall be made on a form provided by the department and accompanied by the appropriate fees prescribed in article 4. Except as otherwise provided in this act, the department shall issue a license or registration to a person who meets the licensure or registration requirements set forth in a specific article and in rules promulgated under this act, subject to the exceptions set forth in section 203.

(2) The expiration date of a license or registration issued under this act shall be established by rule promulgated by the department under section 205, which rule shall not permit the issuance of a permanent license or registration.

**History:** 1980, Act 299, Imd. Eff. Oct. 21, 1980;—Am. 1988, Act 463, Eff. Sept. 1, 1989.

**Popular name:** Act 299

**Administrative rules:** R 339.1001 et seq. of the Michigan Administrative Code.

**339.203 License or registration; issuance upon demonstration of unfair or inadequate requirements; review; fees; limitation; notice; approval or disapproval; practice by person licensed, registered, or certified under repealed act.**

Sec. 203. (1) The department may issue a license or registration to a person pursuant to a specific article, if the person demonstrates to the satisfaction of the department and a board that the licensure or registration requirements do not constitute a fair and adequate measure of the person's knowledge and skills or that a required examination for receipt of a license or registration does not serve as an adequate basis for determining whether a person could perform an occupation with competence. The procedure to be followed in obtaining the review by the director and a board is prescribed in article 5. A person shall not have a license or registration issued under this section until the person pays the appropriate fees as prescribed in article 4.

(2) A license or registration issued under this article may be issued with a limitation. The department shall notify the appropriate board of the department's intent to impose a limitation on the issuance of a license or registration of a person seeking a license or registration in the occupation for which the board serves. The department may impose the limitation only with the approval of the notified board. However, if the notified board, within 60 days after receipt of the notification by the department, neither approves nor disapproves the imposition of a limitation, the department may impose the limitation. A person who receives a license or registration with a limitation may receive a review of the limitation as provided in section 519.

(3) Notwithstanding any other provision of this act, a person licensed, registered, or certified under an act repealed by this act to practice an occupation on the day immediately preceding the effective date of this act shall be considered to be appropriately licensed, registered, or certified under this act until the expiration of the licensure, registration, or certification granted under the repealed act.

**History:** 1980, Act 299, Imd. Eff. Oct. 21, 1980;—Am. 1988, Act 463, Eff. Sept. 1, 1989.

**Popular name:** Act 299

**339.204 License or registration; renewal; requirements; continuing education requirement not subject to waiver; review procedure; fees; limitation; review; renewal as responsibility**

**of licensee or registrant; renewal application; failure to notify department of change of address.**

Sec. 204. (1) Unless otherwise provided in this act and subject to the limitations set forth in this section, the department shall renew the license or registration of a person who fulfills all of the following requirements:

(a) Has applied to the department on a form provided by the department for renewal of a license or registration. The application for renewal shall be received by the department on or before the date prescribed by the department for the expiration of the current license or registration.

(b) Has paid the appropriate fees prescribed in article 4.

(c) Has met the renewal requirements set forth in a specific article, rule, or an order issued under this act.

(2) Except as otherwise provided in this act, the department may renew the license or registration of a person who does not meet the requirements for renewal, if the person demonstrates to the satisfaction of the department and a board that the requirements for renewal as set forth in an article or rule do not constitute a fair and adequate measure of the person's knowledge and skills or that the requirements for renewal do not serve as an adequate basis for determining whether a person could continue to perform an occupation with competence. However, a requirement of attendance in a continuing education program shall not be waived as a requirement for the renewal. The procedure to be followed in obtaining a review of requirements for renewal by the director and a board is prescribed in article 5. The department shall not issue a license or registration under this subsection until the person seeking renewal pays the appropriate fees as prescribed in article 4.

(3) Except as otherwise provided in article 7, a license or registration renewed under this section may be renewed with a limitation. The department shall notify the appropriate board of the department's intent to impose a limitation on the renewal of a license of a person seeking license renewal in the occupation for which the board serves. The department may impose the limitation only with the approval of the notified board. However, if the notified board, within 30 days after receipt of the notification by the department, neither approves nor disapproves the imposition of a limitation, the department may impose the limitation. A person who receives a license or registration renewed with a limitation may receive a review of that limitation as provided in section 519.

(4) It is the responsibility of the licensee or registrant to renew a license or registration. The department shall send a renewal application to the last known address of a licensee or registrant on file with the department. The failure of a licensee or registrant to notify the department of a change of address shall not extend the expiration date of a license or registration and may result in disciplinary action.

**History:** 1980, Act 299, Imd. Eff. Oct. 21, 1980;—Am. 1988, Act 463, Eff. Sept. 1, 1989.

**Popular name:** Act 299

**339.205 Promulgation of rules.**

Sec. 205. The department shall promulgate rules to implement articles 1 to 6 and rules which are necessary and appropriate to enable the department to fulfill its role under this act.

**History:** 1980, Act 299, Imd. Eff. Oct. 21, 1980.

**Popular name:** Act 299

**Administrative rules:** R 285.901.1 et seq.; R 338.551 et seq.; R 338.581 et seq.; R 338.861 et seq.; R 338.881; R 338.1301 et seq.; R 338.1401 et seq.; R 338.1511 et seq.; R 338.1801 et seq.; R 338.1841 et seq.; R 338.1861; R 338.1901 et seq.; R 338.2001 et seq.; R 338.2101 et seq.; R 338.2401 et seq.; R 338.2601 et seq.; R 338.2701 et seq.; R 338.2801 et seq.; R 338.2841 et seq.; R 338.2901 et seq.; R 338.4001 et seq.; R 338.5101 et seq.; R 339.1001 et seq.; R 339.18901 et seq.; R 339.22101 et seq.; R 339.23101 et seq.; R 431.101 et seq.; and R 451.501 et seq. of the Michigan Administrative Code.

**339.206 Examination or test; review and approval of form and content; administration, scoring, and monitoring; providing equipment, examination room, written form, and other items; delegation of duties.**

Sec. 206. (1) Before an examination or other test required under this act is administered and except as otherwise provided in this act, the department and the appropriate board, acting jointly, shall review and approve the form and content of the examination or other test. The examination or test shall be structured to provide a measure of whether a person has sufficient knowledge and skills to perform an occupation with competence.

(2) Except as otherwise provided in this act, the department shall administer, score, and monitor the examination or test, but may delegate any or all of those duties to a board or to any other person.

(3) Except as otherwise provided in this act, the department shall provide the equipment, examination room, written form, and any other item needed to administer the examination or test, but may delegate all or

any of these duties to a board or any other person.

**History:** 1980, Act 299, Imd. Eff. Oct. 21, 1980.

**Popular name:** Act 299

**339.207 Licensing or approval of school, institution, or other person offering training or education; approval or recognition of continuing education program; processing request within certain period of time; recommendation by board; request.**

Sec. 207. (1) If provided in an article, the department may issue a license to, or grant approval to, a school, institution, or other person offering training or education in an occupation.

(2) If provided in an article, the department may grant approval or recognition to a program of continuing education, unless the approval or recognition of the program is the responsibility of a board.

(3) The department shall process a request under subsection (1) within 90 days after the submission of the completed application in the manner described in section 411(6), which 90-day period includes the time period described in subsection (4) regarding board approval.

(4) A board shall make a recommendation on the licensure or approval or recognition of a school, institution, or other person or a program within 90 days after a request for that recommendation is made by the department.

**History:** 1980, Act 299, Imd. Eff. Oct. 21, 1980;—Am. 2004, Act 264, Imd. Eff. July 23, 2004.

**Popular name:** Act 299

**339.208 Files of board; physical dominion; public access.**

Sec. 208. The department shall have physical dominion over the files of each board. The department shall ensure that applicable laws concerning public access to the files are met.

**History:** 1980, Act 299, Imd. Eff. Oct. 21, 1980.

**Popular name:** Act 299

**339.209 Office services; administrative and secretarial staff, clerks, and employees.**

Sec. 209. (1) The department shall furnish office services to each board and perform managerial, administrative, and budgetary functions for each board.

(2) The department shall appoint administrative and secretarial staff, clerks, and employees necessary for the proper exercise of the powers and duties of a board.

(3) The department, subject to the strictures imposed by the civil service commission, may fire, suspend, promote, demote, or transfer a person providing administrative or secretarial service for a board.

**History:** 1980, Act 299, Imd. Eff. Oct. 21, 1980.

**Popular name:** Act 299

**339.210 Contracting with persons or agencies to implement act and fulfill responsibilities of department or board; electronic continuing education tracking system; agreement; provisions; rules.**

Sec. 210. (1) The department, on its own behalf and on behalf of a board created under this act, may contract with persons or agencies who are not employees or agencies of the department to implement this act and to fulfill the responsibilities of the department or a board.

(2) Under subsection (1), the department may enter into an agreement with any of the following to provide an electronic continuing education tracking system that provides an electronic record of the continuing education courses, classes, or programs completed by individuals who are licensed or registered under this act:

(a) For individuals who are licensed under article 7, a statewide accountancy trade organization.

(b) For individuals who are licensed under article 25, a statewide real estate trade organization.

(c) For the individuals who are licensed or registered under all of the other specific articles of this act, except the individuals described in subdivision (a) or (b), an entity that is not an agency of a state or the federal government.

(3) All of the following apply to an electronic system provided by an agreement under subsection (2):

(a) All continuing education tracking provided by the system must accurately reflect the continuing education requirements under this act and rules promulgated under this act.

(b) A confirmation of completion of continuing education requirements generated by the system is considered verification of completion of those requirements for renewal of a license or registration and for purposes of any audit of licensees or registrants conducted by the department.

(c) The system must provide access to continuing education information about an individual who is

licensed or registered under this act to the individual, to the appropriate board for the individual's occupation, and to the department.

(4) The department shall promulgate any rules it considers appropriate to implement and administer subsections (2) and (3).

**History:** 1980, Act 299, Imd. Eff. Oct. 21, 1980;—Am. 2016, Act 30, Eff. June 6, 2016.

**Popular name:** Act 299

### **339.211 Orientation program for board members.**

Sec. 211. The department shall provide a comprehensive orientation program for each individual appointed and confirmed as a member of a board.

**History:** 1980, Act 299, Imd. Eff. Oct. 21, 1980.

**Popular name:** Act 299

### **339.212 Annual report.**

Sec. 212. The department shall prepare and publish an annual report describing the activities of the department and each agency created pursuant to this act. The annual report shall be filed with the governor and the legislature.

**History:** 1980, Act 299, Imd. Eff. Oct. 21, 1980.

**Popular name:** Act 299

### **339.213 Temporary license or certificate of registration; nonrenewable; validity; applicant married to member of armed forces; limitation.**

Sec. 213. (1) If a person has not previously been denied a license or a certificate of registration or had a license or a certificate of registration revoked or suspended, the department may grant a nonrenewable temporary license or certificate of registration to an applicant for licensure or registration or transfer of licensure or registration under any of articles 7 to 29.

If approved by a board, a temporary license or certificate of registration issued under this subsection is valid until 1 or more of the following occurs:

- (a) The results of the next scheduled examination are available.
- (b) The results of the next required evaluation procedure are available.
- (c) A license or certificate of registration is issued.
- (d) The next examination date of an examination for licensure or registration in the applicable occupation, if the applicant does not take the examination.
- (e) The applicant fails to meet the requirements for a license or certificate of registration.
- (f) A change in employment is made.

(2) In addition to a temporary license or certificate of registration under subsection (1), beginning 90 days after the effective date of the amendatory act that added this subsection, the department shall grant a temporary license or certificate of registration for an occupation under this act to an applicant who meets all of the following:

(a) He or she provides proof acceptable to the department that he or she is married to a member of the armed forces who is on active duty. As used in this subdivision, "armed forces" means that term as defined in section 2 of the veteran right to employment services act, 1994 PA 39, MCL 35.1092.

(b) He or she provides proof acceptable to the department that he or she holds a current license in good standing, or a current registration in good standing, in that occupation, issued by an equivalent licensing department, board, or authority, as determined by the department, in another state of the United States, the District of Columbia, Puerto Rico, the United States Virgin Islands, another territory or protectorate of the United States, or a foreign country.

(c) He or she provides proof acceptable to the department that his or her spouse is assigned to a duty station in this state and that he or she is also assigned to a duty station in this state under his or her spouse's permanent change of station orders.

(3) A temporary license or registration issued under subsection (2) is valid for 6 months and may be renewed for 1 additional 6-month term if the department determines the temporary licensee or registrant continues to meet the requirements of subsection (2) and needs additional time to fulfill the requirements for initial licensure or registration in this state. The department may place a limitation on a temporary license or certificate of registration granted under this section.

**History:** 1980, Act 299, Imd. Eff. Oct. 21, 1980;—Am. 2014, Act 149, Imd. Eff. June 11, 2014.

**Popular name:** Act 299

**339.214 Applicant whose records unavailable from foreign country; examination; reciprocal license.**

Sec. 214. An applicant for licensure or registration pursuant to articles 8 to 25 whose records relative to education or experience required by an article are unavailable from a foreign country shall be allowed, upon approval of the board and the department, to take an examination or apply for a reciprocal license upon submitting the following to the department:

(a) A notarized affidavit approved by the department stating the total number of years of education received, the name of the school or schools attended, the dates each school was attended, the degree obtained, the courses taken, the grades received, and the names of each former employer.

(b) A notarized statement approved by the department from a governmental official testifying to unavailability of the necessary records.

**History:** 1980, Act 299, Imd. Eff. Oct. 21, 1980.

**Popular name:** Act 299

**339.215, 339.216 Repealed. 1994, Act 257, Imd. Eff. July 5, 1994.**

**Compiler's note:** The repealed sections pertained to creation of the commission on professional and occupational licensure and recommendations made to the legislature.

**Popular name:** Act 299